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Dmitry Potapov

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HICKMAN PALERMO TRUONG & BECKER/ORACLE

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SUITE 550

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EXAMINER

DARNO, PATRICK A

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/719,819	Applicant(s) POTAPOV ET AL.	
	Examiner PATRICK A. DARNO	Art Unit 2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-18,20-32 and 34-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-18,20-32 and 34-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08032007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 38-47 are new. Claims 3, 19, and 33 are cancelled. Claims 1-2, 4-6, 11-12, 17-18, 20-32, and 34-37 are amended. Claims 1-2, 4-18, 20-32, and 34-47 are pending in this office action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 4-18, 20-32 and 34-47 are rejected under 35 U.S.C. 102(b) as being anticipated by International Publication Number WO 01/33427 issued to Raymond Roccaforte (hereinafter “Roccaforte”).

Claim 1:

Roccaforte a machine implemented method comprising:

accessing rows in a database table (*Roccaforte: page 7, lines 6-7 and page 1, line 23 - page 2, line 4 and page 8, lines 3-5*) wherein:

each row in the database table corresponds to a dimension-value combination for a set of one or more of dimensions (*Roccaforte: page 2, lines 13-17 and page 3, lines 9-14 and page 4, lines 14-17 and page 6, line 18 – page 7, line 3 and page 7, lines 11-14 and page 7, lines 16-17; The “replacement value” is a value that is derived from “any given combination of foreign key values.” This “replacement value is equivalent to the claimed “dimension-value combination.”*);

the database table is composed of a plurality of segments (*Roccaforte: page 4, lines 21-23 and/or Fig. 1; Any or all database tables are composed of a plurality of segments (i.e., rows and columns)., wherein each segment of the plurality of segments corresponds to a different contiguous range of dimension-value combinations (Roccaforte: page 4, lines 21-23 and/or Fig. 1; The two references given are each based on a different interpretation of the claim language. The first reference cited (page 4, lines 21-23), is given based upon a very specific interpretation of the claim language. In this first interpretation, different portions (segments) of the database table are sorted (corresponding to different contiguous range) according to a newly calculated replacement value which combines all previous dimension values (dimension-value combination). Alternatively, the second reference is given to show that the claim language appears to be very broad. Because all database tables comprise segments (any group of rows), which are contiguous (i.e., very close or connected in space or time). It is easily seen that Fig 1 discloses a database table comprising a plurality of segments (i.e., rows) which are contiguously arranged.*);

the segment into which a row of the database table is stored is the segment that corresponds to the contiguous range that includes the dimension-value combination to which the row corresponds (*Roccaforte: page 4, lines 21-23 and/or Fig. 1*);

within each segment of the plurality of segments, rows of the database table are stored at locations based on the dimension-value combination to which the rows correspond (*Roccaforte: page 4, lines 21-23 and/or Fig. 1 and page 8, lines 3-5*); and

wherein accessing rows in the database table includes, in response to receiving a request that indicates a particular dimension-value combination (*Roccaforte: page 1, lines 12-18 and column 4, lines 15-18 and page 7, lines 18-19 and page 8, lines 3-5*):

using the particular dimension-value combination for determining a segment of the plurality of segments that stores a particular row that corresponds to the particular dimension-value combination (*Roccaforte: page 1, lines 12-18 and column 4, lines 15-18 and page 7, lines 18-19 and page 8, lines 3-5*); and

accessing the particular row within the segment (*Roccaforte: page 1, lines 12-18 and column 4, lines 15-18 and page 7, lines 18-19 and page 8, lines 3-5*).

Claim 2:

Roccaforte discloses all the elements of claim 1, as noted above, and Roccaforte further discloses wherein the database table does not include columns for storing values for the one or more dimensions (*Roccaforte: page 6, line 18—page 7, line 3 and page 28, lines 3-7; Note specifically that since “a replacement value is smaller than the numerous foreign key values it replaces in a row, the size of the row is significantly reduced. A significant reduction in the size of each row of a fact table results in a significant reduction in the size of the fact table itself.” It appears that all the foreign key columns (columns for storing dimensions) are removed from the fact table and replaced with the “replacement value”.*).

Claim 5:

Roccaforte discloses all the elements of claim 1, as noted above, and Roccaforte further discloses wherein sizes of the plurality of segments and locations contained within the plurality of segments are allocated according to a density of discontinuities in ranges of dimension value combinations (*Roccaforte: page 21, lines 1-8*).

Claim 12:

Roccaforte discloses all the elements of claim 1, as noted above, and Roccaforte further discloses wherein each of the plurality of segments is divided into one or more blocks of equal size (*Roccaforte: page 29, lines 6-11 and Fig. 2*).

Claim 13:

Roccaforte discloses all the elements of claim 1, as noted above, and Roccaforte further discloses wherein the accessing of the location of interest is also performed by at least accessing a table having an identification of a dimension value of a reference location included in the block from which offsets are calculated to other locations (*Roccaforte: page 27, lines 12-24*).

Claim 14:

Roccaforte discloses all the elements of claim 13, as noted above, and Roccaforte further discloses wherein the reference location is an index value of a first of location within a segment that stores rows for a contiguous range of dimension value combinations (*Roccaforte: page 27, lines 12-16 and Fig. 2*).

Claim 15:

Roccaforte discloses all the elements of claim 13, as noted above, and Roccaforte further discloses wherein the table having the identification is a B-tree index (*Roccaforte: page 27, lines 23-24*).

Claim 16:

Roccaforte discloses all the elements of claim 13, as noted above, and Roccaforte further discloses wherein the table having the identification is a bit map index (*Roccaforte: page 27, lines 23-24*).

Claim 17:

Claim 17 is rejected under the same reasons set forth in the rejection of claim 1, and further in view of the Roccaforte reference which further discloses a computer readable storage medium storing one or more sequences of instructions, which when executed by one or more processors causes the one or more processors to perform the method recited in claim 1 (*Roccaforte: page 43, line 14 – page 44, line 2 and page 44, line 12 - page 45, line 18 and Fig. 5*).

Claim 18:

Claim 18 is rejected under the same reasons set forth in the rejection of claim 2, and further in view of the Roccaforte reference which further discloses a computer readable storage medium storing one or more sequences of instructions, which when executed by one or more processors causes the one or more processors to perform the method recited in claim 2 (*Roccaforte: page 43, line 14 – page 44, line 2 and page 44, line 12 - page 45, line 18 and Fig. 5*).

Claim 21:

Claim 21 is rejected under the same reasons set forth in the rejection of claim 5, and further in view of the Roccaforte reference which further discloses a computer readable storage medium storing one or more sequences of instructions, which when executed by one or more processors causes the one or more processors to perform the method recited in claim 5 (*Roccaforte: page 43, line 14 – page 44, line 2 and page 44, line 12 - page 45, line 18 and Fig. 5*).

Claim 28:

Claim 28 is rejected under the same reasons set forth in the rejection of claim 12, and further in view of the Roccaforte reference which further discloses a computer readable storage medium storing one or more sequences of instructions, which when executed by one or more

processors causes the one or more processors to perform the method recited in claim 12

(Roccaforte: page 43, line 14 – page 44, line 2 and page 44, line 12 – page 45, line 18 and Fig. 5).

Claim 29:

Claim 29 is rejected under the same reasons set forth in the rejection of claim 13, and further in view of the Roccaforte reference which further discloses a computer readable storage medium storing one or more sequences of instructions, which when executed by one or more processors causes the one or more processors to perform the method recited in claim 13

(Roccaforte: page 43, line 14 – page 44, line 2 and page 44, line 12 – page 45, line 18 and Fig. 5).

Claim 30:

Claim 30 is rejected under the same reasons set forth in the rejection of claim 14, and further in view of the Roccaforte reference which further discloses a computer readable storage medium storing one or more sequences of instructions, which when executed by one or more processors causes the one or more processors to perform the method recited in claim 14

(Roccaforte: page 43, line 14 – page 44, line 2 and page 44, line 12 – page 45, line 18 and Fig. 5).

Claim 31:

Claim 31 is rejected under the same reasons set forth in the rejection of claim 15, and further in view of the Roccaforte reference which further discloses a computer readable storage medium storing one or more sequences of instructions, which when executed by one or more processors causes the one or more processors to perform the method recited in claim 15

(Roccaforte: page 43, line 14 – page 44, line 2 and page 44, line 12 – page 45, line 18 and Fig. 5).

Claim 32:

Claim 32 is rejected under the same reasons set forth in the rejection of claim 16, and further in view of the Roccaforte reference which further discloses a computer readable storage medium storing one or more sequences of instructions, which when executed by one or more processors causes the one or more processors to perform the method recited in claim 16

(Roccaforte: page 43, line 14 – page 44, line 2 and page 44, line 12 - page 45, line 18 and Fig. 5).

Claim 34:

Roccaforte discloses a computer-readable storage medium that is readable by a database system *(Roccaforte: page 43, line 14 – page 44, line 2 and page 44, line 12 - page 45, line 18 and Fig. 5)*, having stored therein at least:

a database table containing a plurality of data items on the computer readable media that correspond to locations associated with at least one dimension value *(Roccaforte: page 27, lines 17-24)*;

wherein each data item of the plurality of data times is stored in the table in an order dictated by a dimension value combination to which said each data item corresponds *(Roccaforte: page 4, lines 21-23; Note specifically that the rows (data items) in the fact table are sorted based upon the dimension value combination (replacement value). This is clearly disclosed when Roccaforte recites that the replacement value (dimension value combination) is used as the “sort key”.)*, wherein the dimension value combination, to which said each data item corresponds, corresponds to one or more dimension columns defined for the database table *(Roccaforte: page 4, lines 14-18 and page 6, line 18 – page 7, line 3 and page 2, lines 13-17)*; and

wherein the database table does not store values for the one or more dimension columns (Roccaforte: page 6, line 18—page 7, line 3 and page 28, lines 3-7; Note specifically that since “a replacement value is smaller than the numerous foreign key values it replaces in a row, the size of the row is significantly reduced. A significant reduction in the size of each row of a fact table results in a significant reduction in the size of the fact table itself.” It appears that all the foreign key columns (columns for storing dimensions) are removed from the fact table and replaced with the “replacement value”).

Claim 35:

Roccaforte discloses all the elements of claim 34, as noted above, and Roccaforte further discloses wherein all of the locations of the database table that are associated with non-null dimension values are organized into one or more segments (Roccaforte: See at least Fig. 1; Note that all the locations of the database fact table storing non-null values are organized into segments comprising rows, columns, and cells.), each segment including a contiguous region of data without discontinuities in the dimension values (Roccaforte: Fig. 1; Fig. 1 clearly shows a data table without any discontinuities from amount \$234.56 to \$769.34. The ellipses in the figure is simply shown so that all the contiguous data rows did not need to be reproduced.).

Claim 36:

Roccaforte discloses all the elements of claim 35, as noted above, and Roccaforte further discloses wherein the table has associated with it at least one dimension value combination (Roccaforte: page 6, line 19 – page 7; Note that the fact table is associated with at least one “replacement value” (dimension value combination).); that is associated with a null value (Roccaforte: page 19, lines 3-6; Note that the fact table can include rows of NULL values. Therefore, the at least one dimension value combination (replacement value) is associated with a

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NULL value by at least the fact that both the NULL value and the replacement value (dimension value combination) are stored in the same table.); and

that is not included in any of the one or more segments (Roccaforte: page 19, lines 3-6; And finally, note that the replacement values (dimension value combination) are not stored in any of the segments (cells) of the table where the values are NULL.).

Claim 37:

Roccaforte discloses all the elements of claim 36, as noted above, and Roccaforte further discloses another table storing identifier for determining the locations stored within each segment of the one or more segments (Roccaforte: page 19, line 11 – page 20, line 5; Note specifically the IOT (Index-Only Table.)).

Claim 38:

Claim 38 is rejected under the same reasons set forth in the rejections of claims 1 and 17.

Claim 4:

Roccaforte discloses all the elements of claim 38, as noted above, and Roccaforte further discloses a method further comprising:

creating the index (Roccaforte: page 27, lines 8-18); and

locating the entry is based in part on information contained in the entry that corresponds to the segment that contains the particular row (Roccaforte: page 11, lines 22-25; Note that locating an entry is based, at least in part, on information (tile coordinate value) that corresponds to the segment (tile) that contains the row.).

Claim 6:

Roccaforte discloses all the elements of claim 38, as noted above, and Roccaforte further discloses wherein:

the index is an indexed organized table (*Roccaforte: page 19, lines 11-17*);

and locating the entry is based at least in part on information contained in the entry that corresponds to the segment that contains the row (*Roccaforte: page 11, lines 22-25; Note that locating an entry is based, at least in part, on information (tile coordinate value) that corresponds to the segment (tile) that contains the row.*).

Claim 7:

Roccaforte discloses all the elements of claim 6, as noted above, and Roccaforte further discloses wherein the index organized table includes non-key information used for determining locations of gaps in ranges of dimension value combinations that are between segments (*Roccaforte: page 19, lines 3-6 and page 21, lines 6-14; Note that the offsets in the references cited are used in order to bypass gaps of dimension value combinations (replacement values) having a null value between segments of rows that are populated with data. In order to have and utilize this information allowing for the bypassing of the these gaps of null values, the system must have first determined where the gaps of null values were located, and then calculate the appropriate offset to skip such gaps.*).

Claim 8:

Roccaforte discloses all the elements of claim 6, as noted above, and Roccaforte further discloses wherein at least one of the plurality of segments includes more than one contiguous range of dimension value combinations (*Roccaforte: page 19, lines 3-6 and page 10, lines 7-11; The first reference shows that there can be gaps of null values between populated rows in a particular segment (tile). The*

second reference shows that rows are sorted by dimension value combinations (replacement values)...which clearly discloses at least one guaranteed contiguous range of replacement values (dimension value combinations). So that leads to the conclusion that when there is a tile (segment) which has a gap of null values, there exists more than one contiguous range of dimension value combinations (replacement values). One contiguous range exists before the gap of null values and one contiguous range after the gap of null values. As a final note, the Examiner would like to point out that with respect to claim 8, "contiguous range" of values is being interpreted as a continuing range of sorted values. If the next value is not in the sorted order (as is the case with a null value), then that value breaks the contiguous sequence.).

Claim 9:

Roccaforte discloses all the elements of claim 6, as noted above, and Roccaforte further discloses wherein at least one of the plurality of segments includes more than one contiguous range of dimension value combinations that are joined together by at least one dummy entry in the table, therein forming one contiguous range of dimension value combinations (*Roccaforte: page 19, lines 3-6 and page 10, lines 7-11 and Fig. 2; Note, that the null value rows are a dummy row that ensures that at least two ranges of sorted dimension values combined into one "contiguous range" of dimension values (replacement values). Also, note that with respect to claim 9, "contiguous range" is being interpreted as entries that are located next to one another or adjacent to one another.*).

Claim 10:

Roccaforte discloses all the elements of claim 6, as noted above, and Roccaforte further discloses wherein the at least two of the plurality of segments are each divided into blocks having a block size, and the block size of a first of the at least two of the plurality of segments is different from the block size of a second of the at least two of the plurality of segments (*Roccaforte: page 31, lines 5-6 and Fig. 2; Note that the tiles can be created with a "variable width." This appears to*

indicate that there can be two tiles (blocks) of different size. In direct contrast, Fig. 2 shows an example where the tiles (blocks) are of equal size.).

Claim 11:

Roccaforte discloses all the elements of claim 6, as noted above, and Roccaforte further discloses wherein the indexed organized table includes an identification of a reference location for each segment of the plurality of segments from which offsets from the reference location are calculated to reach other locations in each of the segments (*Roccaforte: page 21, lines 9-14 and page 27, lines 14-16*).

Claim 20:

Claim 20 is rejected under the same reasons set forth in the rejection of claim 4, and further in view of the Roccaforte reference which further discloses a computer readable storage medium storing one or more sequences of instructions, which when executed by one or more processors causes the one or more processors to perform the method recited in claim 4 (*Roccaforte: page 43, line 14 – page 44, line 2 and page 44, line 12 - page 45, line 18 and Fig. 5*).

Claim 22:

Claim 22 is rejected under the same reasons set forth in the rejection of claim 6, and further in view of the Roccaforte reference which further discloses a computer readable storage medium storing one or more sequences of instructions, which when executed by one or more processors causes the one or more processors to perform the method recited in claim 6 (*Roccaforte: page 43, line 14 – page 44, line 2 and page 44, line 12 - page 45, line 18 and Fig. 5*).

Claim 23:

Claim 23 is rejected under the same reasons set forth in the rejection of claim 7, and further in view of the Roccaforte reference which further discloses a computer readable storage medium storing one or more sequences of instructions, which when executed by one or more processors causes the one or more processors to perform the method recited in claim 7 (*Roccaforte: page 43, line 14 – page 44, line 2 and page 44, line 12 - page 45, line 18 and Fig. 5*).

Claim 24:

Claim 24 is rejected under the same reasons set forth in the rejection of claim 8, and further in view of the Roccaforte reference which further discloses a computer readable storage medium storing one or more sequences of instructions, which when executed by one or more processors causes the one or more processors to perform the method recited in claim 8 (*Roccaforte: page 43, line 14 – page 44, line 2 and page 44, line 12 - page 45, line 18 and Fig. 5*).

Claim 25:

Claim 25 is rejected under the same reasons set forth in the rejection of claim 9, and further in view of the Roccaforte reference which further discloses a computer readable storage medium storing one or more sequences of instructions, which when executed by one or more processors causes the one or more processors to perform the method recited in claim 9 (*Roccaforte: page 43, line 14 – page 44, line 2 and page 44, line 12 - page 45, line 18 and Fig. 5*).

Claim 26:

Claim 26 is rejected under the same reasons set forth in the rejection of claim 10, and further in view of the Roccaforte reference which further discloses a computer readable storage medium storing one or more sequences of instructions, which when executed by one or more

processors causes the one or more processors to perform the method recited in claim 10

(Roccaforte: page 43, line 14 – page 44, line 2 and page 44, line 12 – page 45, line 18 and Fig. 5).

Claim 27:

Claim 27 is rejected under the same reasons set forth in the rejection of claim 11, and further in view of the Roccaforte reference which further discloses a computer readable storage medium storing one or more sequences of instructions, which when executed by one or more processors causes the one or more processors to perform the method recited in claim 11

(Roccaforte: page 43, line 14 – page 44, line 2 and page 44, line 12 – page 45, line 18 and Fig. 5).

Claim 43:

Claim 43 is rejected under the same reasons set forth in the rejection of claim 38, and further in view of the Roccaforte reference which further discloses a computer readable storage medium storing one or more sequences of instructions, which when executed by one or more processors causes the one or more processors to perform the method recited in claim 38

(Roccaforte: page 43, line 14 – page 44, line 2 and page 44, line 12 – page 45, line 18 and Fig. 5).

Claim 39:

Roccaforte discloses a machine-implemented method comprising:

determining a plurality of ranges based on dimension-value combinations to which rows in a table correspond *(Roccaforte: page 8, lines 24-25 and page 9, lines 8-10 and page 9, lines 10-12; Note that the whole fact table is divided into plurality of tiles. Also note that each tile contains a certain amount of rows which is based upon a range of a “particular set of coordinates” (Roccaforte: page 9, lines 10-12). These coordinates must have been calculated or determined in some way.);*

wherein each range of the plurality of ranges is a different range of dimension-value combinations for a set of one or more dimensions (*Roccaforte: page 9, lines 19-21; Note that the “coordinate values” are created by mapping the dimension value combinations (replacement values) into a certain coordinate value. A series of coordinate determines a range of dimension value combinations (replacement values) belonging to each tile.*);

wherein each row in the table corresponds to a dimension-value combination (*Roccaforte: page 9, line 1 and page 9, lines 19-21 and page 10, lines 7-11*);

wherein the plurality of ranges is determined such that the table includes rows that correspond to every dimension-value combination that belongs to each range of the plurality of ranges (*Roccaforte: page 9, line 1 and page 9, lines 19-25*);

for each range of the plurality of ranges, creating a segment that stores only rows, from the table, that have dimension-value combinations that fall within the range that corresponds to said each segment (*Roccaforte: page 9, line 1 and page 9, lines 19-25 and Fig. 2*).

Claim 40:

Roccaforte discloses all the elements of claim 39, as noted above, and Roccaforte further discloses storing rows, within each segment, in an order that is based on the dimension-value combination of the rows (*Roccaforte: Fig. 2 and page 10, lines 7-11*).

Claim 41:

Roccaforte discloses all the elements of claim 39, as noted above, and Roccaforte further discloses wherein the rows do not include columns for storing dimension-value combinations (*Roccaforte: see at least page 27, lines 18-19 and page 28, lines 3-5*).

Claim 42:

Roccaforte discloses all the elements of claim 39, as noted above, and Roccaforte further discloses creating an index that includes a single entry for each segment (*Roccaforte: page 27, lines 8-18*).

Claim 44:

Claim 44 is rejected under the same reasons set forth in the rejection of claim 39, and further in view of the Roccaforte reference which further discloses a computer readable storage medium storing one or more sequences of instructions, which when executed by one or more processors causes the one or more processors to perform the method recited in claim 39 (*Roccaforte: page 43, line 14 – page 44, line 2 and page 44, line 12 – page 45, line 18 and Fig. 5*).

Claim 45:

Claim 45 is rejected under the same reasons set forth in the rejection of claim 40, and further in view of the Roccaforte reference which further discloses a computer readable storage medium storing one or more sequences of instructions, which when executed by one or more processors causes the one or more processors to perform the method recited in claim 40 (*Roccaforte: page 43, line 14 – page 44, line 2 and page 44, line 12 – page 45, line 18 and Fig. 5*).

Claim 46:

Claim 46 is rejected under the same reasons set forth in the rejection of claim 41, and further in view of the Roccaforte reference which further discloses a computer readable storage medium storing one or more sequences of instructions, which when executed by one or more processors causes the one or more processors to perform the method recited in claim 41 (*Roccaforte: page 43, line 14 – page 44, line 2 and page 44, line 12 – page 45, line 18 and Fig. 5*).

Claim 47:

Claim 47 is rejected under the same reasons set forth in the rejection of claim 42, and further in view of the Roccaforte reference which further discloses a computer readable storage medium storing one or more sequences of instructions, which when executed by one or more processors causes the one or more processors to perform the method recited in claim 42

(Roccaforte: page 43, line 14 – page 44, line 2 and page 44, line 12 - page 45, line 18 and Fig. 5).

Response to Arguments

Examiner Notes:

- In the non-final office action mailed 05/02/2007, the Examiner rejected certain claims under 35 U.S.C. 101 because the claims were directed to a computer readable medium for “carrying” instructions. Furthermore, it appears that paragraphs [0076] and [0080] of Applicant’s specification recite wherein the computer readable medium for "carrying" instructions include carrier waves and/or data signals. In light of the Applicant's arguments and amendments, the rejections under 35 U.S.C. 101 have been withdrawn. The rejections are withdrawn because the claims directed to a computer readable medium are now directed to a computer readable medium "storing" instructions. Furthermore, in the Applicant's remarks received 08/02/2007, the Applicant acknowledges that, at this time, it appears that signals such as carrier waves may *carry* instructions but not *store* instructions like tangible volatile/non-volatile memories can. Even further, the Applicant appears to acknowledge that "a computer readable storage medium is not a signal." Therefore, it appears that the computer readable medium "storing" instructions is indeed patentable under 35 U.S.C. 101.

- It appears that the remaining arguments set forth in the Applicant's remarks received 08/02/2007 are moot in light of the new grounds of rejection presented by the Examiner.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Prior Art of Record

The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure is listed below:

Graefe et al.

U.S. Patent No. 6,298,342

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PATRICK A. DARNO whose telephone number is (571)272-0788. The examiner can normally be reached on Monday - Friday, 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patrick A. Darno/
Examiner
Art Unit 2163
April 11, 2008

PAD

/don wong/

Supervisory Patent Examiner, Art Unit 2163